

1 HONORABLE RONALD B. LEIGHTON
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 ANNE K. BLOCK,

11 Plaintiff,

12 v.

13 WASHINGTON STATE BAR
14 ASSOCIATION, *et al.*,

15 Defendants.

CASE NO. C15-2018-RSM

ORDER ON REVIEW OF ORDER
DENYING MOTION TO RECUSE

[Dkt. #s 87 and 134]

16 THIS MATTER is before the Court on review Chief Judge Ricardo Martinez's Order
17 [Dkt. # 134], declining to Recuse himself in response to Plaintiff Block's Second Motion to
18 Disqualify [Dkt. #87]. The Order was referred to this Court as the most senior non-Chief Judge
19 under 28 U.S.C. §144 and LCR 3(e).

20 Block continues to argue that her RICO conspiracy lawsuit against the Washington State
21 Bar Association necessarily disqualifies all members of that body from presiding over the case,
22 including Chief Judge Martinez. Block's virtually identical prior effort was denied, and affirmed.
23 [See Dkt. #s 9, 25 and 68]. Block's current Motion claims that Judge Martinez is "friends" with
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1 one of the defendants, points out that he has participated in various WSBA boards, and is a
2 former King County Superior Court Judge. She also seems to suggest that he follows her blog¹.

3 A federal judge should recuse himself if “a reasonable person with knowledge of all the
4 facts would conclude that the judge’s impartiality might reasonably be questioned.” 28

5 U.S.C. §144; 28 U.S.C. § 455; *Yagman v. Republic Insurance*, 987 F.2d 622, 626 (9th Cir.1993).

6 This is an objective inquiry concerned with whether there is the appearance of bias, not whether
7 there is bias in fact. *Preston v. United States*, 923 F.2d 731, 734 (9th Cir.1992); *United States v.*
8 *Conforte*, 624 F.2d 869, 881 (9th Cir.1980).

9 Despite Block’s claims to the contrary, there is no “binding” Ninth Circuit or other
10 precedent holding that a suit against the Bar Association requires disqualification of all judges
11 who are members of that bar. The rule is, in fact, just the opposite. *See Denardo v. Municipality*
12 *of Anchorage*, 974 F.2d 1200, 1201 (9th Cir. 1992), and other cases cited in prior orders.

13 Nor has Block provided any evidence that would lead a reasonable person with
14 knowledge of the facts to conclude that Judge Martinez’s impartiality might reasonably be
15 questioned.

16 For these reasons, Judge Martinez’s Order [Dkt. #134] denying Block’s Second Motion
17 to Recuse [Dkt. #87] is AFFIRMED, and the Motion is DENIED.

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¹ A similar—and patently false—claim was made about this Court.

The Clerk is directed to provide a copy of this Order to U.S. District Court Chief Judge Ricardo Martinez.

IT IS SO ORDERED.

Dated this 3rd day of May, 2016.

Ronald B. Lightner

Ronald B. Leighton
United States District Judge